HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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ARTHUR S. WEST,

                Plaintiff,

       v.

Case No. C06-5516RBL

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UNITED STATES ARMY CORPS
OF ENGINEERS, et. al.,

                Defendants,

ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER AND
VACATE ORDER

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The matter comes before the Court on Plaintiff's Motion to Reconsider and Vacate Ex Parte Order [Dkt. # 62]. The Court has reviewed the pleadings filed in support of the motion together with the remainder of the record and files herein. For the reasons set forth herein, the Defendant's motion is DENIED.

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Plaintiff asks the Court to reconsider and vacate its order [Dkt # 59] and judgment of dismissal [Dkt. #61] claiming that the order and judgment were entered after the Plaintiff was not given proper, timely or clear notice of a hearing on the matter. As noted in the Court's docket [Dkt. # 52], Plaintiff was given proper and timely notice of the hearing on the Defendants' motion to dismiss and Plaintiff's motion for default. This hearing was noted for December 11, 2007, at 9:30 a.m. Furthermore, on the day before the hearing, the Plaintiff filed in person his response to the Defendants' motion to dismiss [Dkt. # 56] .

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By giving the Plaintiff notice of the December 11, 2007, hearing, the Court afforded him the opportunity to attend the hearing and present his case. Before the Court decided to dismiss the Plaintiff's

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1 complaint for lack of subject matter jurisdiction, it reviewed the Plaintiff's response to the Defendants'

2 motion to dismiss [Dkt. # 56] together with the record and pleadings filed with the Court. Plaintiff was

3 afforded every opportunity to adequately present his case, and he failed to attend the hearing. He was not

4 denied due process. Therefore, the Plaintiff's Motion to Reconsider and Vacate Ex Parte Order [Dkt. # 62]

5 is DENIED.

6   IT IS SO ORDERED.

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8   Dated this 14th day of February, 2008.

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            RONALD B. LEIGHTON
13   UNITED STATES DISTRICT JUDGE

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ORDER
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